GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT.

Labour Dispute :—Industrial Dispute between the Workmen and the Management of Sri B. Abbas M/S. P. B. and Co., Muguruvalalu, Uppinangadi, South Kanara.

Award of the Labour Court, Mangalore—Published.

Read the following papers :

(1) Letter No. A/ID.34/72-73, dated 19th August 1972 from Sri B. Hanumanthaiah, Presiding Officer, Labour Court, Mangalore.

IN THE LABOUR COURT AT MANGLORE.

Dated 19th August 1972.

Reference (SD) (LCM) No. 34 of 1971.

Present

Sri B. Hanumanthaiah, B.Sc., LL.B., ... Presiding Officer.

Between:—

The Secretary, Karnataka General Workers Union, Maidan Cross-Road, Mangalore. ... I Party.

and.

The Management of Sri B. Abbas, Messrs. P. B. and Co., P. O. Muguruvalalu, South Kanara District, Uppinangady. ... II Party

AWARD.

This is a Reference made by the Government of Mysore in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referring the dispute between the workmen and the management of Messrs. P. B. and Co., Muguruvalalu, Uppinangady, South Kanara, to this Court for adjudication by Order No. FCL 806 LLD 71, dated 16th September 1971.

2. The dispute is in respect of refusal of employment to Sri Vittal, who is said to be a driver with the second party *i.e.*

the management of Sri B. Abbas, Messrs. P. B. and Co., Muguru-valalu, Uppinangady, South Kanara. The points of dispute as embodied in the order of reference are the following :—

"I. Are the management of Sri. B. Abbas, Messrs. P. B. and Co., Muguru valalu, Uppinangady, South Kanara, justified in refusing employment to Sri Vittal, Driver with effect from 29th August 1970.

II. If not, to what relief is the said workman entitled?"

3. The Refefence was registered as (ID)(LCM) No. 34 of 1971 on 21st September 1971 and notices were issued to the parties to file the statements. The first party was being represented by its representative. Sri. Saduddin, the learned representative who had undertaken to file the authorisation for the first party workman and also the claim statement represented to this court on 8th June 1972 that he was unable to file the authorisation as the first party did not come to him. The notice issued to the workman Sri Vittal Driver, was served on him on 22nd June and the acknowledgement was received by this court. On 29th June 1972 again the learned representative for the first party Sri Saduddin undertook to file power for the workman. The second party has refused to receive the notice issued by registered post and he was set *ex parte*. From 29th June 1972 the case was posted to 11th July 1972 and again to 24th July 1972. On 24th July 1972 the first party workman was present. Sri E. Sequeira represented on behalf of Sri Saduddin, the learned representative for the first party, this Sri Saduddin was not in station. Then the case was posted to 5th August 1972. Again on 5th August 1972 Sri K. Chennabasappa represented Sri Saduddin and represented that Sri. Saduddin was not in station and the case was posted to 12th August 1972 and again from 12th August 1972 to 19th August 1972. Today Sri Saduddin has filed a memo stating that the first party has not given him the necessary instruction and praying for permission to withdraw from representing the first party. He is permitted to do so. The first party workman is also not present. Both the parti s have remained absent.

4. The points of dispute as emodied in the order of refrence are, (i) Are the management of Sri B. Abbas, Messers. P. B. and Co., Muguru Valalu, Uppinangady, South Kanara, justified in refusing employment to Sri Vittal, Driver, with effect from 29th August 1970 and (ii) If not, to what relief is the said workman entitled?

5. It is for the first party to prove that Sri Vittal was working as a Driver under the second party management and h has been refused employment with effect from 29th August 1970 No material is placed by the first party to prove that Sr Vittal, Driver, was an employee under the second party and he has been refused employment with effect from 29th August 1970. Hence, it is not established that Sri Vittal, Driver, was an employee of the second party management and that the second party has refused employment to him with effect from 29th August 1970. Therefore, I hold that it is not proved by the first party that Sri Vittal (Driver) was an employee under the second party management, and he has been refused employment with effect from 29th August 1970. Since it is not proved that Sri Vittal (Driver) was employee under the second party management, and he has been refused employment I find that is not entitled to any relief. In the result, an Award is passed holding that it is not proved by the first party That Sri Vittal, Driver, was an employee under the second party management, and he has been refused employment with effect from 29th August 1970. Further, it is held that the workman is not entitled to get any relief.

6. Having regard to the fact that the first party and the second party have remained absent, it is ordered that the parties should bear their own costs.

Mangalore
19-8-1972

B. HANUMANTHAI H,
Presiding Officer,
Labour Court, Mangalore

ORDER

Bangalore, dated 8th September 1972.

S O 115.—WHEREAS by State Government Order No. FCL 806 LLT 71, dated 16th September 1971, the Industrial Dispute between the Workmen and the Management of Sri B. Abbas M/s. P. B. and Co., Muguruvalalu, Uppinangady, South Kanara was referred to the Labour Court, Mangalore for adjudication.

AND, WHEREAS, the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute:

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said Award as above, in the *Mysore Gazette*.

[No. FCL 158 LLA 72.]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,
Under Secretary to Government,
Food, Civil Supplies and
Labour Department.